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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 349th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ethiopia (CRC/C/8/Add.27; CRC/C/Q/ETH.1 and Rev.1 (list of issues); written replies by the Government of Ethiopia with no document symbol, in English)

1. At the invitation of the Chairperson, Mr. Abdela, Mr. Tadesse, Mr. Diressie and Mr. Alemu (Ethiopia) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Ethiopia. On behalf of the Committee she thanked the Ethiopian Government for its initial report (CRC/C/8/Add.27) and for the written replies it had provided to the list of issues to be taken up in connection with the consideration of the report (CRC/C/Q/ETH.1).

3. Mr. ABDELA (Ethiopia) said that implementation of the Convention in Ethiopia was inevitably hampered by the social, economic and cultural factors prevailing in the country. Ethiopia was a rich country in terms of culture and traditions, yet economically it remained one of the poorest and least developed nations in the world. About half its population of 53 million lived in poverty. In absolute terms, poverty was chiefly concentrated in rural areas, but that did not imply that urban poverty was any less severe. In an environment marked by poverty and underdevelopment, children were the most vulnerable segment of the population. Infant and child mortality rates were still very high: 109 and 159 per 1,000 respectively (not 111 and 161 per 1,000, as stated in the initial report). Scarcity of clean water, an insanitary environment, poor living conditions, harmful traditional practices, urbanization and other socio-economic and cultural factors had an adverse effect on children, contributing to destitution, delinquency and prostitution.

4. With regard to legal instruments having a bearing on the implementation of the Convention, the most important instrument with respect to the protection of the rights of the child was the Constitution of the Federal Democratic Republic of Ethiopia, adopted in 1994, article 13 of which provided that human rights provisions must be interpreted in accordance with international instruments that Ethiopia had ratified or acceded to. Article 36, the draft text of which was reproduced in paragraph 19 of the initial report, dealt exclusively with the rights of the child.

5. Other laws, such as the Penal Code of 1957, the Civil Code of 1960, the Criminal Procedure Code of 1961 and proclamation No. 42/1993, guaranteed protection of children's rights. The Government had always striven to ensure compatibility between the provisions of the Convention and those of the new Constitution. As part of that effort, a parliamentary Legal Committee had been entrusted with the task of harmonizing the new legal instruments with existing laws. For example, article 581 of the Civil Code, which fixed the minimum age of marriage at 18 for men and 15 for women, would be amended as part of the process of harmonizing existing laws with new legislation.

6. In addition, a new social welfare policy that would benefit children had recently been endorsed. Since 1994, with assistance from the United Nations

Children's Fund (UNICEF) and other agencies, Ethiopia had been implementing a programme in 10 per cent of the country's districts (woredas). That integrated basic service aimed at delivering basic health, education and nutrition services to children as foreseen in article 24 of the Convention. Experience thus far was encouraging, and would be reviewed in April 1997.

7. Implementation of the Convention was closely associated with the realization of a National Programme of Action at all levels. In that connection, a National Programme of Action for Children and Women (1996-2000) had been endorsed by the Government, and a high-level Inter-Ministerial Committee chaired by the Minister of Economic Development and Cooperation had been established to monitor its implementation.

8. Family planning services existed in 80 per cent of hospitals, in 95 per cent of health centres and in 70 per cent of health stations. In 1995, the percentage of 1-year-old children fully immunized against diphtheria, pertussis and tetanus (DPT) had been 47.5 per cent and the percentage of pregnant women to have received doses of tetanus toxoid (TT2) had been 21.7 per cent, an improvement on the figures for 1993. The campaign to eradicate poliomyelitis had been pursued vigorously in 1996.

9. Compared to 1992-1993, the rate of enrolment in kindergarten, primary and secondary schools in 1994-1995 had grown by 7.2 per cent, 13.6 per cent and 2.6 per cent respectively. Over the same period, the number of schools at the three levels had increased by 7.2 per cent, 4.2 per cent and 3.5 per cent respectively, and the number of special schools had increased by 13.3 per cent.

10. A pilot child protection project had been initiated and implemented in five police stations in Addis Ababa through government and NGO collaboration. The scheme was aimed at separating detained children from adults and improving treatment of children by the police. Expansion of the scheme to other parts of the country was also envisaged.

11. In collaboration with the Italian authorities, the Children's Youth and Family Welfare Organization (CYFWO) had undertaken a study on child abuse and neglect in selected rural and urban areas of Ethiopia. The results of that study would enable appropriate strategies to be developed. CYFWO was also undertaking a study for the preparation of guidelines on family reunification, the findings of which would be communicated to the institutions and NGOs concerned, to enable them to reorient their programmes for the benefit of children along the lines stipulated by the Convention. Studies were also being conducted by Save the Children Fund/UK to assess whether the guarantees set forth in article 40 of the Convention were properly applied so as to promote children's reintegration in society. Other studies were envisaged on the situation of children in conflict with the law. A survey had also been conducted in 25 cities and towns in order to study the magnitude and nature of the problem of street children.

12. In conclusion, he said that the Government of the Federal Democratic Republic of Ethiopia was doing its utmost, with the resources at its disposal, to promote the survival, protection and development of Ethiopian children. In view of the manifold social problems facing the country and its extremely

limited financial, material and human resources, the Government was requesting the continued assistance of the international community in order to guarantee Ethiopian children the right to a better future.

13. The CHAIRPERSON thanked the Ethiopian delegation for its statement. She invited the members of the Committee to ask questions concerning general measures of implementation of the Convention in Ethiopia.

14. Mrs. KARP noted with satisfaction that the Ethiopian Government was doing its utmost to apply the provisions of the Convention. She asked for further information on a number of points. First, she would like to know how the proportion of the budget allocated to specific policies to benefit children was calculated, and whether local NGOs participated in implementation of programmes in that area. She also welcomed the information provided concerning the studies carried out on questions such as street children and prostitution, but wondered whether those studies formed part of a comprehensive national programme. Lastly, on the question of decentralization, she asked for further details on the role of the regional and local authorities, particularly in budgetary and supervisory matters.

15. Mrs. SANTOS PAIS welcomed the fact that the Ethiopian Constitution included child rights provisions whose wording was based on that of the Convention, and stressed that international instruments should have a direct influence on legislation adopted or envisaged by States parties. She would also like information on coordination between the competent departments and on compilation of data reflecting the true situation of all children in all areas covered by the Convention.

16. In particular, she asked what measures had been taken or were envisaged to ensure systematic gathering of data on children in urban and rural areas, and at national, regional and community levels. On the question of decentralization, she asked whether the authorities at all levels were provided with uniform guidelines to enable them to apply a joint strategy. How were local communities' concerns taken into account by central Government, and were the resources made available to the regions sufficient to cover children's needs in all areas?

17. Dissemination of information concerning the Convention and children's rights in general should also be more systematic, although the initiatives already taken in that regard in collaboration with UNICEF and NGOs were to be welcomed. On the other hand, it was regrettable that, unlike domestic legislation, the full text of the Convention had not yet been published in the Official Gazette. Professionals dealing directly with children would find it hard to put into practice the provisions of an instrument that had not been published, and it was not clear what place the Convention actually occupied in the national legal framework. She would like to know whether, for example, in the event of incompatibility between the Convention's provisions and those of domestic legislation, the Convention automatically prevailed. As the State party itself recognized that the Civil Code and the Penal Code predated the Convention and thus could not take account of the principles set forth therein, how was the latter recognized in domestic law?

18. The problem of resources, to which Mrs. Karp had already referred, was particularly critical in a war-torn country such as Ethiopia. She would like to know what proportion of budgetary resources was allocated to activities for the benefit of children, and how priority measures were identified in the light of the resources available and in the context of social policy as a whole.

19. Mrs. EUFEMIO said it was her understanding that the National Programme of Action contained no specific provision concerning children's civil rights. She wondered whether anything was done to remedy that omission in practice, and whether an adequate budget was allocated for implementation of the Programme. She also felt that, in comparison with the programmes put in place in other countries following the World Summit for Children, the Ethiopian programme was somewhat inadequate in its coverage of the family environment and alternative care. It would therefore be desirable to appoint an ombudsman (mediator), to hear children's complaints. She would also like to receive information on steps taken to promote cooperation with international organizations and NGOs with a view to implementing the Convention. She also wished to know how regional priorities were taken into account in the context of decentralization, and whether any budgetary measures were envisaged to reduce disparities between regions.

20. With regard to dissemination of the Convention, she asked what percentage of the population was actually aware of its existence. In order to secure better application of the Convention, the Government might, for example, consider requesting expert assistance or - following the successful practice of other countries - calling upon volunteers, particularly at the local level. Lastly, she would like to know what the relationship was between the newly established Legal Committee and the government mechanisms specifically entrusted with application of the Convention. What was the composition of the Legal Committee, and did it include representatives of the ministries?

21. Miss MASON said it was apparent from the information provided that, in spite of Ethiopia's troubled past, the authorities were intending to contribute to the promotion of the rights of the child. It would, however, be interesting to have more specific information on the extent to which account was taken of children's problems in the new social policy recently adopted, and on the relationship between the National Inter-Ministerial Committee responsible for monitoring the implementation of the Convention and the steering committee that had prepared the National Programme of Action for children.

22. With regard to decentralization, the Committee had not been informed whether the capacities, functions and procedures of the district judicial bodies (woredas) were similar to those of the higher bodies. Lastly, she would like to know what was being done to disseminate the text of the Convention, and whether aspects of that instrument that might seem to run counter to Ethiopia's cultural traditions were the subject of debate.

23. Mr. MOMBESHORA asked which sectors of the Ethiopian economy generated the most income and whether the demographic growth mentioned in paragraph 10 of the report was due to a higher birth rate or a lower mortality rate.

He would also like to know whether the Ethiopian Government pursued any particular demographic policy. He also noted from the report that 89 per cent of Ethiopians resided in rural areas, often in situations of poverty. He would like to know in that connection whether the old feudal system of landholding had been replaced by a more modern system and whether the authorities were trying to diversify farm production by introducing non-food crops. The delegation might also specify the respective powers of the central Government, the regions and the woreda under the new decentralized structure and indicate which of those levels was more specifically responsible for ensuring the implementation of the Convention.

24. Mrs. KARP said that she would like to know how the text of the Convention could be disseminated in a country where more than 200 languages were spoken. The report stated that 10,000 copies of the Amharic translation of the Convention had been published, but what did that figure mean in relation to the total population of Ethiopia? Nor could she really understand why most of the statistics in the report related to the under-15 population, when according to the Convention a child was any human being aged under 18.

25. Mr. KOLOSOV said that, in a country like Ethiopia with a vast territory and a multi-ethnic population, it was essential to involve children in the promotion of their own rights. He would like to know whether the Constitution, referred to in the initial report as being in draft form but apparently adopted at the end of 1994, was already in force. If not, it would be wise to amend its article 36, which dealt with the rights of the child, to include specific mention of the right of children to participate in affairs which concerned them. Furthermore, in view of the process of decentralization which had been undertaken, the text of the Convention - possibly in an abridged form - would have to be translated into all the dialects of the ethnic groups and its study included in the education programmes.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

26. Mr. ABDELA (Ethiopia) said that it was difficult to give a precise figure for the budget allocated to measures for children. However, the social sector in general had received over the last three years 20, 19.4 and 22.1 per cent respectively of the total budgetary resources. Priority had been given to the funding of health care, education and food production. The financial aid provided by international organizations and NGOs was taken into account in the national budget. For 1997 the equivalent of $2 million was earmarked for the activities of bodies concerned with children. The National Programme of Action should receive the equivalent of $1.5 billion between 1997 and 2000.

27. In reply to the questions on decentralization he said that powers were devolved to all the regions so that they could tackle their problems in the light of their cultural traditions and their capacities, with the technical and material assistance of the central Government. The adoption and ratification of international instruments was the responsibility of the Federal Government, but the actual implementation of such instruments was a matter for each region.

28. Mr. DIRESSIE (Ethiopia) said that committees responsible for the implementation of the Convention had been established in all the regions and zones of the country as well as in some woreda, but none existed yet at the level of district associations and peasant associations. Nevertheless, representatives of all those committees, which were made up of influential persons, including religious leaders and elders, had already participated in a national seminar, at which they had discussed their experience with each other. The unified guidelines concerning the submission of information to the Inter-Ministerial Committee had been sent to all the existing committees.

29. Turning to the place accorded to children in society he said that, on the initiative of the Organization of African Unity (OAU), the Day of the African Child was held every year on 16 June. On 16 June 1996 the Parliament had opened its doors to children from all the regions, and the deputies had engaged in a very fruitful dialogue with them. In addition, the Prime Minister and almost all the ministers and members of Parliament had recently participated in a meeting organized by UNICEF in Addis Ababa, thus demonstrating their commitment to the cause of children. With regard to human resources, all the regions had institutions which trained various types of personnel, including social workers and teachers. Addis Ababa also had a training institute for members of the civil service. With regard to the publicity given to the Convention, it must be pointed out that the text had already been translated into 12 languages, that the media were actively helping the Government to bring the rights of the child to the attention of the population at large, and that a seminar was held every week to increase journalists' awareness of such questions.

30. Mr. TADESSE (Ethiopia) said that the instruments of ratification of the Convention had been published in the Official Gazette in January 1992 and that since then, in accordance with article 9 of the Constitution, it had been an integral part of domestic legislation. The Government was trying to bring that legislation, including the Penal Code and the Civil Code, into line with the Convention. In the meantime every possible effort - when the economic, cultural and social circumstances allowed - was being made to avoid applying the provisions of the domestic legislation which were still incompatible with the Convention.

31. With regard to the administration of justice, the woreda courts functioned according to the same procedural rules as the country's other jurisdictions and tried only juvenile delinquents who had committed less serious offences. Moreover, such courts never imposed sentences of imprisonment. Delinquents who committed serious offences were tried by a higher jurisdiction. The Ministry of Justice was trying to improve the training of judges and magistrates working in the woreda courts and to make them aware of the Convention. In order to be adopted, any draft amendment of the Constitution, including chapter III concerning children, must receive the backing of the Council of State, the Council of Representatives and the Council of the Federation.

32. Mr. ALEMU (Ethiopia) said that the text of the Convention would shortly be published in the Official Gazette and that the Constitution provided for the creation of a commission on human rights and an office of ombudsman responsible for ensuring the implementation of the Constitution. Those two items were on the agenda of the current session of the Parliament.

33. There was no need to amend the provisions of article 36 of the Constitution, which conferred certain specific rights on children, since the other provisions of the Constitution applied to all citizens, including children. It must be pointed out in that connection that, according to article 13 of the Constitution, all laws must be interpreted in conformity with the international instruments ratified by Ethiopia.

34. Mr. MOMBESHORA said that he would welcome more information about the agrarian reform, the demographic situation and policy, and the share of the budget allocated to national defence. He would also like to know whether the authorities at the woreda level were empowered to levy taxes to fund local development programmes.

35. Mrs. EUFEMIO asked whether the National Plan of Action envisaged measures to help parents to discharge their responsibilities towards their families.

36. Mrs. SANTOS PAIS said that she would like to know whether each administrative level (region, zone, woreda) had the necessary independence and financial and material means to evaluate the situation of children and ensure the implementation of the Convention, and whether there was a national implementation strategy which would harmonize the activities carried out at those various levels. Might not the fact that there were two bodies responsible for the rights of the child - the Inter-Ministerial Committee for implementing the Convention and the Steering Committee responsible for the Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children - lead to a certain amount of duplication? It might perhaps be more effective to entrust responsibility for coordinating policy for children to a single body.

37. She would also like to know what training was given to professional groups, particularly judges and magistrates, and whether Ethiopia would need assistance in that field, which might be provided, for example, by the Centre for Human Rights.

38. Mrs. KARP asked who decided whether international financial aid should be allocated to a given section of the budget or to the implementation of a programme. She also wished to know what measures the Government was taking to correct possible imbalances between rich and poor regions, in order to prevent children in poor regions from falling victim to discrimination. The Ethiopian delegation might also state the reason why article 36 of the Convention did not mention the right of children to be protected against all forms of violence, including sexual abuse, and exploitation.

39. Mr. KOLOSOV said the fact that article 36 of the Ethiopian Constitution conferred particular rights on children gave the impression that the other articles of the Constitution did not fully guarantee children the same rights

as adults. The active participation of children at all levels of public life must be fully reflected in the Constitution, as well as in all the legal instruments dealing specifically with children's rights. Beginning in primary school, children must acquire the sense that they were separate individuals. To that end the Convention might be presented to them in a simplified and abridged form.

40. Mr. DIRESSIE (Ethiopia), replying to the questions asked by the members of the Committee, said that the regions were themselves responsible for deciding their priorities and the policies to be implemented. In the event of any financial, material or technical difficulties, the national Government provided them with assistance. Furthermore, in order to combat the rural exodus, the Government had prepared a five-year plan for the repopulation of the countryside.

41. The text of the Convention had been translated into several languages and it was made available to children by means of illustrated magazines written in simple language. The Ethiopian Government enjoyed UNICEF assistance in that connection. The recently established Legal Committee was a parliamentary body open to participation by anyone interested in the question of children and the corresponding national legal instruments.

42. Mr. ABDELA (Ethiopia) said that the regions managed their budgets entirely independently and established their own priorities with the help, when necessary, of the competent federal ministries. However, the regions could apply to the central Government for grants. The Government had also drawn up a programme to promote balanced development among the various regions in order to ensure that the poorest ones were not neglected.

43. It must be noted that the country's sharp population increase was not accompanied by sufficient economic development. The Transitional Government had adopted a national demographic policy to try to solve the population-growth problems, including the problems of food, nutrition and poverty in general. In that connection the defence budget, which had accounted for more than 30 per cent of the national budget when the country had been at war, now represented only 7 per cent, and the funds saved were used mainly for economic development and the social services.

44. Mr. ALEMU (Ethiopia) said that the Ethiopian authorities were fully aware of the need to give extensive publicity to the text of the Convention as well as to the texts of the other international human rights instruments. With regard to article 36 of the Constitution, which conferred specific rights on children, the legislature had wanted certain vulnerable population groups to receive additional protection and had not acted out of any intent to discriminate, and in any case the Constitution contained specific provisions prohibiting any form of discrimination.

45. Mrs. KARP said that article 6, paragraph (d), of the Constitution provided that children had the right to be protected against exploitation at work but did not mention any other forms of exploitation. She therefore reiterated her question about the protection of children against sexual exploitation in the family and asked why that form of abuse was not addressed and punished by the law.

46. Mr. ALEMU (Ethiopia) said he thought that all forms of exploitation of children were punished by Ethiopia's legislation, in particular by the Penal Code.

47. Mr. DIRESSIE (Ethiopia) said that there was no duplication between the activities of the Steering Committee responsible for the Plan of Action for implementing the World Declaration on Children and the Inter-Ministerial Committee for implementing the Convention on the Rights of the Child. The Steering Committee was chaired by the Minister of Labour and Social Affairs, since responsibility for implementation had been conferred on him by the law ratifying the Convention. The Inter-Ministerial Committee was chaired by the Minister of Planning and Economic Development.

48. The Ethiopian authorities were convinced that the family was the best possible environment for the development of the child and they had thus worked for the reunification of 600 children with their families under a programme which had proved very satisfactory. Placement in an institution was possible when there was no family solution.

49. The CHAIRPERSON said that the determination of the Ethiopian Government to give the Convention wide publicity was very encouraging and she stressed the importance of incorporating study of the Convention in school programmes and training programmes for various categories of professionals.

The meeting rose at 1.05 p.m.